

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK A. CAMPBELL,
also known as NICOLE ROSE CAMPBELL,
and STEVEN MILLER,

Plaintiffs,

v.

ORDER

SERGEANT BRUCE, ROBERT KRUEGER, JASON
ALDANA, STEVEN JOHNSON, ROBIN DIEBOLD,
PAUL KEMPER, CATHY JESS, and CINDY
O'DONNELL,

17-cv-775-jdp

Defendants.

Pro se plaintiffs Steven Miller and Mark A. Campbell, who goes by Nicole Rose, are transgender women incarcerated at a male correctional facility, Racine Correctional Institution (RCI). They are proceeding on Eighth Amendment deliberative indifference claims and Fourteenth Amendment equal protection claims based on the defendants' refusal to provide them with a private place to shower. *See* Dkt. 12.

On November 2, 2018, plaintiffs filed a motion for summary judgment. Dkt. 29. Defendants' motion for summary judgment and brief in opposition to plaintiffs' motion for summary judgment is due December 6, 2018. Plaintiffs' combined reply brief in support of their summary judgment motion and in opposition to the defendants' summary judgment motion is due January 7, 2019. *See* Dkt. 37 (scheduling order).

Last week, the court received a letter from a non-party, John Pearson, Dkt. 38, that enclosed a letter from plaintiff Miller. Dkt. 39. These letters raise concerns about Miller's understanding of the current status of her case. In an effort to clarify any misunderstandings, I am issuing this brief order so that all parties are on the same page.

In Miller's letter, she requests that the court send a complete copy of every document on the docket to Pearson, who is incarcerated at Oshkosh Correctional Institution and is assisting Miller in prosecuting this case. As an initial matter, I note that the clerk's office cannot waive the costs of providing copies of case filings to non-parties, nor can the clerk's office send copies of all future filings to a non-party. If Pearson wishes to obtain copies of documents from the docket, he must submit a check or money order to the clerk of court. *See* Dkt. 40 (letter from clerk's office advising Pearson of the cost of obtaining copies). Alternatively, Miller can send copies of relevant filings to Pearson herself.

I am more concerned that Pearson's letter suggests that Miller may not be aware of the current status of this lawsuit. Pearson says that Miller is "unaware of any Summary Judgment being filed" and that Miller was under the impression that, "once her Motion for Appointment of Counsel was filed and pending before the court, all other proceedings were 'on hold' until after the court ruled on the motion, at which point the court would issue a new briefing schedule either to counsel or her." Dkt. 38, at 1. The court denied both of plaintiffs' motions for assistance in recruiting counsel many months ago, *see* Dkt. 12 and Dkt. 23, and the case was never stayed. Pearson says that "it is possible that[] Plaintiff Campbell filed something without Plaintiff Millers knowledge." Dkt. 38, at 1. But a signature purporting to be Miller's appears on plaintiffs' summary judgment filings. *See* Dkt. 29, at 3 (Miller's signature page); Dkt. 30, at 31 (same); and Dkt. 33, at 5 (same). It appears that either the signature on plaintiffs' brief is not authentic, or that Pearson is misinformed.

To ensure that Miller is apprised of the current status of the case, I will direct the clerk's office to send her copies of both of the court's orders denying the motions for

assistance in recruiting counsel, Dkt. 12 and Dkt. 23, along with copies of all the summary judgment briefing filed so far. Dkts. 29–35.

I will also direct Miller to clarify her status as a plaintiff in this case. Within two weeks, Miller should file a response to this order explaining whether she signed plaintiffs' summary judgment filings, and whether she is in fact litigating this case. I remind plaintiffs that when multiple unrepresented plaintiffs file a case together, Federal Rule of Civil Procedure 11 requires all of the plaintiffs to sign each paper the plaintiffs submit to the court. *See Boriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004).

ORDER

IT IS ORDERED that:

1. Plaintiff Steven Miller's motion requesting that the clerk of court send copies of the filings in this case to non-party John Pearson, Dkt. 39, is DENIED.
2. The clerk of court is directed to send plaintiff Miller copies of Dkt. 12, Dkt. 23, and Dkts. 29–35.
3. By December 20, 2018, Miller should file a response to this order addressing the issues listed above.

Entered December 6, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge